

b.) Remarks

Claims 1, 4, 13 and 31-34 have been amended in order to recite the present invention with the specificity required by statute, to correct minor typographical errors and/or for better idiomatic usage. The subject matter of the amendment may be found in the specification as filed, at page 18, line 6. Accordingly, no new matter has been added.

Claim 1 and claims depended therefrom remain rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention since the Examiner objects to the lack of an upper limit for “n”. In response, solely in order to reduce the issues, claim 1 has been amended to recite that n is 3-1,024. Accordingly, this rejection is mooted.

Claims 33-34 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In response, the Examiner’s attention is respectfully invited to Examples 8 and 9 at specification pages 58-63. In particular, the structure of claim 33 is described as compound 33 at page 59, and the precursor of the structure of claim 34 is described as compound 36 at page 61. Accordingly, this rejection is mooted as well.

Claims 31-33 remain provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-2 and 4-12 of co-pending Application No. 10/570,623. Applicants submit the claims of the two applications now patentably distinguish one another. However, if a double patenting rejection is made

in the latter-filed '623 application, Applicants will address it therein, in conformity with MPEP 804(I)(B)(1)¶2.

In view of the above amendments and remarks, Applicants submit that all of the Examiner's concerns are now overcome and the claims are now in allowable condition. Accordingly, reconsideration and allowance of this application is earnestly solicited.

Claims 1, 3-6, 13 and 31-34 remain presented for continued prosecution.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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